

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1574 – HB 1940

March 29, 2018

SUMMARY OF ORIGINAL BILL: Creates a domestic abuse registry within the Tennessee Bureau of Investigation (TBI). Those required to register are anyone convicted of domestic assault or a violation of an order of protection or restraining order resulting from domestic assault.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$312,200/One-Time
\$381,500/Recurring

Increase Local Expenditures – \$2,170,000/Recurring*

SUMMARY OF AMENDMENT (015879): Deletes and rewrites the proposed legislation to expand the offenses for which a person convicted must be included on the domestic abuse registry; these offenses include, but are not limited to, aggravated assault, aggravated rape, sexual battery, aggravated sexual battery, etc. Allows the TBI to maintain the domestic abuse registry as a subset of another registry. Gives a court the discretion to remove an offender from the registry after five years, if the court finds specific circumstances to do so, and allows a person to petition a court for the immediate removal of the registry with warranted written extraordinary circumstances.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The most recent data from the TBI showed an average of 78,000 reported incidents of domestic violence. It is assumed that at least 50 percent (39,900 offenses) of these incidents result in a conviction. It is further assumed that there will be approximately 100,000 domestic violence offenders on the registry each year.

- The proposed legislation would require that the TBI create and maintain a domestic abuse registry and place all persons convicted of domestic abuse on the newly-created registry.
- The proposed legislation also requires those convicted of aggravated assault, first degree murder, second degree murder, voluntary manslaughter, aggravated rape, rape, aggravated sexual battery, sexual battery, kidnapping, aggravated kidnapping, and especially aggravated kidnapping to be included on the registry.
- The TBI will need to develop and maintain a new registry. The TBI will require approximately \$275,000 in one-time expenditures to develop the registry and approximately \$25,000 in recurring expenditures for maintaining the registry.
- The TBI will also require additional staff to manage the registry. An Intelligence Analyst position receives a base salary of \$42,700 and will require \$2,700 in recurring expenditures for related costs such as supplies, phone, and internet.
- The six Intelligence Analyst positions needed to create and maintain the registry will require \$356,466 in recurring expenditures $\{ [\$42,700 + (\$42,700 \times 0.0894 \text{ benefits}) + (\$42,700 \times 0.0765 \text{ FICA}) + \$6,926.76 \text{ insurance} + \$2,700 \text{ supplies}] \times 6 \}$.
- Intelligence Analysts position will require \$31,200 $(\$5,200 \times 6)$ in one-time expenditures for office furniture, computer, and other related expenses.
- The proposed legislation requires the court clerk to forward a copy of the judgement and other identifying information to the TBI within 45 days of domestic assault convictions.
- Any impact on the court clerks can be accommodated within their existing resources.
- The Administrative Office of the Courts reports that the proposed legislation would require an update to the Tennessee Court Information System (TnCIS) in order to accommodate the requirements of the proposed legislation.
- TnCIS will require 100 hours of programming at \$60 per hour. The increase in one-time state expenditures by \$6,000 $(100 \text{ hours} \times \$60)$.
- The proposed legislation will increase one-time state expenditures by \$312,200 $(\$275,000 + \$31,200 + \$6,000)$.
- The proposed legislation will increase recurring state expenditures by \$381,466 $(\$25,000 + \$356,466)$.
- Currently, 82 of the 95 court clerks in Tennessee use TnCIS, but only 33 clerks, or approximately 61 circuit/criminal and general sessions courts use TnCIS to report criminal proceedings.
- Data from TBI's 2016 Domestic Violence Report indicates an average of 78,000 domestic violence offenses were committed per year, averaging 821 per county. These numbers do not include the number of orders of protection violated, extended, or issued. It is assumed that each court clerk would be required to report approximately 1,500 matters to TBI each year.
- The 62 counties that do not use TnCIS will need to hire additional staff to report to the TBI. It is assumed that each county will hire one full-time staff person to handle reporting.
- It is assumed that each staff person will require at least \$35,000 in recurring local expenditures. The proposed legislation will increase mandatory recurring local expenditures by an amount estimated to exceed \$2,170,000 $(62 \times \$35,000)$.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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